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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/987,879	11/16/2001	Yoshifumi Iwata	216153US3	7622

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EXAMINER

MCCAMEY, ANN M

ART UNIT PAPER NUMBER

2833

DATE MAILED: 06/11/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/987,879

Applicant(s)

IWATA, YOSHIFUMI

Examiner

Ann M McCamey

Art Unit

2833

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 8-10 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 8-10 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-6 and 8-10 are rejected under 35 U.S.C. 102(b) as being anticipated by Baba et al. (US 6,085,598).

Regarding claim 1, Baba et al. disclose a mounting structure 1 for a vehicle electrical connection box, comprising:

a protruding member 11 provided to a box body of the electrical connection box and positioned to receive an impact from a first direction E; and

at least one breakable mounting member 21 mounting the box body to a part of a vehicle, the at least one breakable mounting member positioned to break due to a stress generated by the impact received by the protruding member,

wherein the protruding member is positioned such that the box body receives the impact off the center of rotation of the box body, the protruding member extends along the first direction, and the at least one breakable mounting member extends substantially along an imaginary plane parallel to the first direction.

Regarding claim 2, Baba et al. disclose amounting structure 1 for a vehicle electrical connection box arranged rearward of and in the vicinity of a dash panel

serving as a partition between an engine space in a vehicle and an adjacent compartment, comprising:

a protruding member 11 extending from a box body of the electrical connection box toward the dash panel and positioned to receive an impact from a first direction E; and

at least one breakable planar mounting member 21 mounting the box body to a cowl side panel of the vehicle, extending in a direction intersecting the first direction, and positioned to break due to a stress generated by the impact received by the at least one breakable planar mounting member,

wherein the dash panel is provided substantially perpendicular to the cowl side panel, and the at least one breakable planar mounting member has a principal plane substantially parallel to a direction which the protruding member is extending.

Regarding claim 3, Baba et al. disclose a mounting structure (Fig. 10) for a vehicle electrical connection box having a box body comprising at least two breakable planar mounting members 322 mounting the box body to a part of a vehicle, extending substantially along a first plane and diagonally positioned to break after the box body receives an impact in a direction substantially parallel to the first plane.

Regarding claim 4, Baba et al. disclose the protruding member is positioned such that the box body receives the impact off the center of rotation of the box body.

Regarding claim 5, Baba et al. disclose the protruding member is provided with at least one reinforcing rib extending along a direction in which the impact is transmitted.

Regarding claim 6, Baba et al. disclose at least a portion of the at least one breakable planar mounting member extends in a direction intersecting with a direction in which the impact is transmitted.

Regarding claim 8, Baba et al. disclose the breakable planar mounting members have principal planes substantially parallel to the first plane.

Regarding claim 9, Baba et al. disclose the protruding member is provided with at least one reinforcing rib extending along the first direction.

Regarding claim 10, Baba et al. disclose at least a portion of the at least one breakable mounting member extends in a direction intersecting with the first direction.

Regarding claims 1-6 and 8-10, the limitation that the mounting structure is "for an electrical connection box" has not been given patentable weight, since it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitation. *Ex parte Masham*, 2 USPQ2d 1647 (1987).

Response to Arguments

Applicant's arguments filed 5/13/03 have been fully considered but they are not persuasive.

Applicant contends that Baba et al. ("Baba") does not anticipate the claims, as amended, since the breakable mounting member does not extend along a plane or have a principle plane, as recited in amended claims 1 and 2. As seen in Fig. 2 of

Baba, the breakable mounting member 21 is cylindrical and thus inherently extends along a imaginary plane (and has a principle plane) in at least the horizontal and vertical directions. This horizontal plane (defined as the plane going from left to right of the page and perpendicular to the surface of the page) is parallel to that of the protruding member, and meets the limitations of claims 1 and 2.

Applicant further contends that Baba does not teach at least two breakable planar mounting members and thus does not anticipate claim 3. Baba, in Fig. 10 shows two breakable planar mounting members 322. The description of these members is provided in column 7, lines 48-49, in which Baba discloses a "pair of bridging portions 322 at both sides thereof." Therefore, claim 3 is also anticipated by Baba and the rejection has been maintained.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ann M McCamey whose telephone number is (703) 305-3422. The examiner can normally be reached on M-F 9-5:30.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Paula A. Bradley can be reached on (703) 308-2319. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 872-9318 for regular communications and (703) 872-9319 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.

AMM
June 8, 2003


RENEE LUEBKE
PRIMARY EXAMINER